2:Seligman & Seligman E-5 (1909-1910) 1932
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complain if her husband ill-treats her; it is to them that the bride-wealth is given, and the fact that this should be returned should she die childless seems to indicate that the bride-wealth may be considered as compensation to her family for the loss of her children rather than as a payment for her as a wife. The wife's *na* and his son both receive part of the bride-wealth, and though they do not belong to her clan they also are *ora*. The avoidance of these relatives of the wife is by no means a common custom (and is not practised by the Dinka). It appears to be correlated to the fact that they receive some of the cattle of the bride-wealth.

(3) The attitude towards the husbands of female relatives is the converse of the above. Though a man must observe respectful behaviour towards the husbands of his sisters and certain cousins, he appears to be in a more favourable position towards them. He receives part of the bride-wealth given by them for his sisters and certain "cousins", and can demand favours from them.

(4) A woman only looks upon her husband's uterine brothers and his mother's sister's sons as her *ora*. She avoids them strictly; any hint of familiarity would be an offence. It is clear that the nature of the avoidance is sexual, and that by means of its observance the possibility of impropriety is prevented. These relatives of the husband stand in sharp distinction to all others.

Although the Shilluk conception of the "in-law" relationship is broad, the omissions from it are as striking as the inclusions. The wife's sisters do not come under the heading *ora* at all. A man may always treat them with familiarity and, if he wants to, take one as a second wife; he has prior claim to anyone else but must give the full bride-wealth. We were told that a rich man might marry all the *umia* of his wife. The wives of the *uwa* are not *ora*; the wives of clansmen stand in two definite categories—those with whom sexual intercourse is permissible and those with whom it is not—and to most of them descriptive terms are used. The wives of all those clansmen called either *wa* or *uwa* belong to the former class, but intercourse with the wives of any other clansmen is said to cause death to both offenders. Care would be taken in dealing with the second class to avoid anything that could possibly be looked on as a compromising situation, such as staying in the house of these relatives when their wives are present, or sitting upon the mat or skin of the woman. Thus, though not called *orá*, they are avoided ceremoniously.

2:Seligman & Seligman E-5 (1909-1910) 1932
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584 had been handed over. When she grew up her father wished to arrange another marriage for her, but was obliged to repay the cow.

586 Mr. Heasty sent the following information concerning the disposal of children after divorce. If the bride-wealth is not returned the children will remain with their father, but if it is returned—and this really constitutes divorce—the husband has to give up the children. The new husband who provides the bride-wealth will take the children and they will become members of his *kwa*. When such lads grow [593] up the true father will often entice them back; this is becoming a common practice, but was formerly confined to members of the *kwareth*.

848 The position of children born out of wedlock shows the same principle as is seen in the treatment of children after divorce, viz. the importance of the bride-wealth in establishing sociological fatherhood, physiological fatherhood having no legal importance. If a girl has one child before marriage the child belongs to the husband who provides the bride-wealth, which would be the same as if she had no child. But if she has two children then her father would keep them, they would be members of his *kwa* and he would accept less bride-wealth. This, however, seldom happens, as girls are usually betrothed as soon as they reach puberty.

684 The fine for adultery was said to be seven head of cattle—four cows and three bulls—but the number varied, and it may be supposed that the adultery fine would be less than the bride-wealth; three cows and one bull seem a usual fine. Mr. Heasty states that if a girl who is betrothed becomes pregnant by another man the lover will pay seven head of cattle to the father, but the child will belong to her future husband, who has provided the bride-wealth. Unconfessed adultery was said to cause the death of the child.

A fine is paid for seduction, but it seems that many cases that come up for judgment are really those in which a girl betrothed to another man willingly goes to a lover. It must then be decided whether the latter pays a fine or provides bride-wealth and marries the girl.

• 515 There is no objection to a man marrying two or more sisters, but, unless the second sister is taken in place of the first because the latter has proved barren, full bride-wealth must pass for each.

766 582 Hofmayr states that if a man of importance dies between the time of betrothal and marriage a ceremony having as its object the provision

2:Seligman & Seligman E-5 (1909-1910) 1932
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of a wife to the deceased will take place at the grave-side. After this the woman is considered as related to the dead man's family. Later she will really marry, but no statement is made as to whether cattle are exchanged at the grave-side marriage.[1]

A Shilluk may have intercourse with the wife of any man whom he calls *awa*, that is to say, his own brother by another mother, his father's brother's son, or his clansmen of his own generation. He may claim the same privilege from the wives of his own father (except his mother) and of all those men whom he addresses as *wa*. A father will know that his son is consorting with his wife, and will go to another hut and say nothing about it. The attitude of our informants could be expressed thus: "Why should the father object? Surely it is better that his son should do this than go to other women, when he would be obliged to pay the fine for adultery?"

With regard to access to the wife of an *awa*, a young married man said that if he found that an *awa* had been to his wife while he was away he might feel very angry, there might be bad talk, but that would be all. The chief would say to him, "He is your *awa*. It is all right." And he would accept this, whereas if it had been a stranger he would try to spear him. A young unmarried man who was exercising his rights towards the wife of his *awa* (actually his father's brother's son) said that his *awa* (the husband) knew, and that he made no objection and was friendly towards him. A child of such a union always belonged to the woman's husband, and any idea of it belonging to the wife's lover was ridiculed.

Any attempt towards intimacy with the wives of *awa*, *awia*, *wa*, *oka* or *kwa* would be considered worse than adultery, and it was believed that the partners in guilt would die. Mr. Heasty states that intercourse with the wife of an *ova* would be looked upon in the same way.

About the sixth month of pregnancy a wife leaves her husband —for intercourse should now cease—and returns to her parents' house, where her child is born. Hofmayr states that both husband and wife are "unclean" until a few days after the birth of the child,[2] while Westermann notes that it is considered shameful for a woman to conceive during lactation;[3] if such a thing occurs it is usually supposed to be due to adultery, presumably because conduct leading

[1] Op. cit., 199.
[2] Op. cit., 271. A pregnant woman is decidedly dangerous; we heard of the death of a child, already ill, whose death was attributed to the visit of a pregnant woman to the house.
[3] Op. cit., 226.

3:Westermann E-5 (1910) 1912 FJ23 Shilluk FJ23

III. FAMILY LIFE.

When a young man wants to marry, he himself asks the girl he has selected; if she accepts, she directs her lover to her parents and the old people of the village; if these also do not object, they ask him to bring the dowry, which consists of cattle. From four to six head of oxen and one milch cow is the ordinary price for a woman, besides a number of sheep and goats. But the whole of this dowry is in most cases not paid to the father-in-law at once, before the marriage takes place. One ox is paid to the elders of the village when they arrange the marriage business, one or more at the celebration of the marriage, another when the first child is born. The ox which is slaughtered at the marriage festival is driven to the village of the bride by all the young men of the bridegroom's village. They decorate this ox by tying tassels of cows' tails on the top of the horns. In case the horns have not a good shape for tying these tassels, they are pierced and the tassels are fastened in the hole. A young man in buying an ox is always particular about the shape of the horns for this reason. On the marriage festival vide page 109. — A man cannot reach a social position without being married, and he cannot get a wife without cattle; so every young Shilluk's highest ambition consists in procuring cattle in order to buy a wife. But, as already mentioned, they usually marry before the full dowry is paid, and in such a case the debts of the young husband may become the source of quarrels between husband and wife, and still more between husband and father-in-law. As long as the price is not paid, the father has a legal right to take his daughter back from her husband; but this, though often threatened, is seldom done. Those who have sufficient means will as a rule not be satisfied with one wife, but marry a second and a third; only a very few exceed this number. MARRIAGE 584 583 585 581 554 606 595

A young man may not marry a girl from his own division or clan, (vide page 127 ff.) but from any other division; the girl may live in the same village or in any other village, but they prefer to marry in a distant village. These marriage laws are a well established tribal custom, and people fear to break them, lest death follow marriage. 582

The position of the women is no doubt a higher one than with most Mohammedan peoples of the Sudan. She is generally well treated and is shown remarkable respect. The women sometimes take part in public assemblies with the men, discuss the affairs that interest them and partake in dances and religious ceremonies. Even in their war-dances the women play an active rôle, vide page XXXIII. — If voluntary or lucky, the man may give his wife a thrashing with a rope. POSITION OF WOMEN 562 [593]

having a great number of local branches, or lineages, spread throughout Shillukland, and there are no periodic reunions.

Members of a lineage are bound not only by kinship ties but also by ties arising through occupation of the same territory. The lineage is an effective political and social unit. A person generally thinks in terms of his localised lineage and refers most often to the founder of his lineage in the district occupied. In relation to members of lineages of other clans, however, reference is most likely to be made to the founding ancestor of a person's clan. As previously mentioned, the occupants of a settlement belong to a collection of independent lineages which graft themselves onto the genealogical structure of the dominant lineage through marriage with its female members.

INHERITANCE

Only the smallest lineage unit is of any importance in the inheritance of property. Pumphrey states that there are no definite rules for the inheritance of chattels.(1) If distribution has not been made before death they are usually taken by the eldest son, or by the next of kin where there are no sons. Cattle are taken by the succeeding gol lwaber, either a married son or a married brother. He cannot do exactly as he likes with them for he inherits certain traditional obligations. He has the moral obligation to use his herds for providing bridewealth to enable the male members of the gol to marry, in order of seniority, and it is considered wrong for a gol leader to marry a second time himself while there are men of his gol still unmarried and requiring cattle. The gol lwaber is also responsible for paying compensation in cattle for any wrong which has been committed by one of his household. Finally, it is recognised that no cattle of the family herds should be sold except in times of famine and to purchase grain. Pumphrey states that a breach of these terms of trust would "be universally censured but would probably not be interfered with by the courts."(2)

Uncultivated land belongs to anyone who settles on it.

MARRIAGE

The Shilluk are polygynous; a wealthy and influential man has three or four wives, while members of the kworeth may have several more. Marriage is forbidden with any member of one's father's clan and between all persons in respect of whom relationship, either through the father or mother, could be traced directly. Apart from these obstacles it appears that freedom of choice is generally allowed to both sexes in matrimonial matters.

Bridewealth

Bridewealth consists of ten head of cattle and sheep and spears. In addition the suitor makes small gifts and performs services to win the favour of his future father- and mother-in-law. Bridewealth discussions and arguments proceed between representatives appointed by the suitor's gol and by the girl's gol.

(1) Pumphrey, S.S.P. 1941, Vol.XXIV, p.24.
(2) Ibid., p.23.

13: Oyler M-5 (ca. 1918) 1920 FJ23 Shilluk FJ23

may be thus dedicated. The animal so devoted must be young. Only the children of the medicine man may drink the milk of the consecrated animal, and its offspring may not be sold, though that is sometimes violated. If the devoted animal is a cow the calves are kept until the man has enough to get a wife, and from the children of that wife his successor is chosen. When such an animal dies its meat is eaten, but annually a sacrifice of either an ox or sheep is offered for it, and the tail, feet, and head of the sacrifice are cut off, and hung on a pole. The successor to the devoted animal is chosen from among its offspring. When the devoted animal is a male it is not permitted to die a natural death, as that would bring disaster on the village. When the first fee is a sheep, the medicine man may later substitute a cow for it, if he becomes prosperous. If the son inherits a devoted animal from his father it is not necessary for him to devote his first fee then to the source of his power.

When a witch doctor takes a case he practically always offers a prayer, and while they are different yet the thought in each is the same. One such prayer was given thus: "God you are the one, who gives me the power. What power did I have before? I praise you, and my ancestor (Nikang), and Dieng (who is worshipped by the Dinkas), and my father and mother. Is it not thus that you give me food?" The prayer may have many petitions, but practically the only reason given why it should be answered is, in order that the medicine man may get his food thereby.

The proof of the fact that the medicine man has the power he covets is found in the cures he makes. If a witch doctor fails in his first cases it is often taken as a proof that he does not have the power. However after a man has once established his reputation failure does not have such a serious effect on his practice.

Many of the medicine men have physical defects, and their children are usually sickly, and many of them are deformed. The natives say that this is caused by the fact that the shades of their victims bring a curse on the medicine man, and also on his family. The medicine man is usually well-to-do because of his exorbitant charges, and he can afford to, and does, take many wives, but he usually only has a few children.

17: Pumphrey G-5 (1934-1938) 1941
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that under which the deceased held them. For example if a man dies leaving four sons, two married and two unmarried, the two unmarried sons will join the *gol* of their eldest married brother, who thereupon becomes to them *in loco parentis* and their *gol* leader. With this addition to his *gol* the eldest married brother will take also the cattle which used to belong to the deceased, his father, but he will hold them "on trust" for the marriage of these two brothers.

THE MARRIAGE TIE.

Marriage marks the assumption of personal responsibility, signified outwardly by the acquisition of a homestead. A man wishes to marry as many wives as he can because, although a man with one wife is a full member of society, he who has three or four (more being unusual outside the *Kwar Reth*), is a man of substance and power. This is because his *gol* will become large and powerful and in a position to dominate in its locality. Where an appeal to the spear is an ever present possibility there is definite strength in numbers. There is no place in society for bachelors or spinsters of mature age, and in fact with the exception of *Reth*'s daughters and the mentally deficient they hardly exist. Women outnumber men, so that polygyny is reasonable and almost necessary.

The marriage tie creates an obligation to pay cattle, but it is not created by or dependent upon such payment. To render a union a marriage only two things are essential. First there must be no positive barrier, (such as known consanguinity between the parties, whether through male or female lines of descent) and secondly there must be an offer and an acceptance. The offer and acceptance are symbolized by the man offering to the woman's *gol* a sheep (*dyel dhok*). Acceptance of this sheep signifies acceptance of the suitor. The marriage is then complete. There follows the beer brewing (*tieng nagke*) and a wedding dance which is held in the woman's village and which serves the important purpose of fixing the marriage in the minds of the public. The completion of the cattle payments (*keny*) may be delayed over a period of years, and until they are complete the woman usually continues to live in her own homestead where her husband may visit

29:Dempsey M-S (1940-1954) 1955
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many?" asked the priest. 'Once,' promptly answered the catechumen, and then cautiously amended his answer, 'perhaps twice.' 'Oh,' said the Father, 'why only twice?' 'If a man marries and his wife dies, he can marry again, can't he?' 'Ye-es,' conceded the boy, 'he can marry again.' 'And if that second wife dies,' continued the Father, 'can't he marry a third time?' 'No,' said the boy. 'Why not?' 'Because he has no cows left' was the triumphant and conclusive reply. And that fairly well sums up the Shilluk's attitude towards matrimony. In common with the rest of his African brethren he is by inclination polygamous. In Africa nothing adds more to one's prestige than a multiplicity of wives. Fortunately, however, from our—the Catholic missionaries'—standpoint the tribe as a whole is of necessity monogamous. Except in the case of wealthy chiefs or fathers who rejoice in a quiverful of daughters to bring cattle into the family byre and no sons to take them out, the people generally are too poor to be able to scrape together the necessary cattle to provide for a second wife.

When a man dies his wife is not thereby released from her matrimonial obligations and free either to re-marry or to remain a widow. She is, as has been said, something that has been bought and paid for, part of the dead man's property, and is inherited together with the rest of his effects. If she is not the mother of the deceased's eldest son he will claim her, or if she is his mother or there is no son, or none old enough to marry, she will be taken by her brother-in-law or some other member of her husband's family. She belongs to that family and must remain in it to fulfil her duties as a wife and a mother to some member of it. If it so happened that there were no relatives, no matter how remote, of her husband who could inherit her, then she might marry again outside it, but only on condition that a dowry is forthcoming to compensate her husband's family.

* * *

A death among the Shilluk is the signal for an outburst of wailing on the part of the women. It is a high, shrill, screaming